

Montana Working To Protect The Rights Of Montanans
Multiple PO Box 287
Use Townsend Montana 59644
Association 406-266-5212
mmua@earthlink.net
montanamua.org

February 8, 2007

HB 320

Dear Representative,

We attended the hearing on HB 320 and would like to offer the following testimony to be included in the record regarding the closing of Fiddler Creek Sub Basin to new water appropriations. We have learned that this is an attempt to settle a dispute between landowners. This appears to be another example of miner mentality in which each party claims "It's Mine, It's Mine It's all Mine."

It is paramount in this case to remember the foundation of our society and our constitution. It is not the place of this committee to resolve a dispute between two private property owners no more than it is the place of our organization to legislate laws here in Montana. The legislative branch must not engage in the judicial branch of government. Separation of powers doctrine clearly set this in law to protect the people of the United States.

Water rights enjoyed by land owners are sacred. To arbitrarily restrict the use of these waters for beneficial use would be a capricious violation of the law. *Hage v. US*, clearly shows that water rights are part of base property and are protected from takings. This is another clear example of takings and cannot be allowed to go any further. Due process would be aborted in the event this bill is passed.

Please table this bill in the interest of freedom here in Montana!

Timothy L. Ravndal
Timothy L. Ravndal, President